



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
PLANNING AND DEVELOPMENT**

Application Number: 2307365
Applicant Name: John Steinmann for Song H. Kim
Address of Proposal: 8825 Martin Luther King Jr Way S

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a one-story building with a 2,808 sq. ft. multi-purpose convenience store with a 692 sq. ft. restaurant. Surface parking for four vehicles to be provided.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☒ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The proposal site is located in a neighborhood commercial zone (NC3-40) at the intersection of Martin Luther King Jr Way S and S Henderson Street. The 24,000 square foot development site is also located within the Henderson Street Station Area Overlay district as well as having a Pedestrian designation as a P1 zone. Both the overlay district and the pedestrian designation provide limitations on certain uses and allow for reductions in required parking.

The topography of the site is marked by a Steep Slope as regulated by the ECA Ordinance under SMC 25.09. This area slopes sharply from east to west with a grade change of approximately 40 feet on the site. This area is primarily limited to the west ½ of the site, with the remaining portions of the site relatively flat. The area of the proposed development occurs on the level portion of the site. The area immediately to the west of the site is also marked by regulated Known and Potential Slide Zones. Zoning on sites that immediately abut the property are also zoned SF 5000. Properties across both S Henderson and ML King Jr Way S are also zoned NC3-40, with SF 5000 zones also abutting their respective sites.



Public Comment

The public comment period for the proposed project began on April 1, 2004 and ended on April 14, 2004. One comment letter was received during the comment period. Issues that were raised included previous noise and litter control concerns at the development site, as well as potential parking impacts, landscape maintenance and illegal dumping at the site.

ANALYSIS - SEPA

The applicant has filed a SEPA Checklist and a geotechnical report prepared by Shannon and Wilson dated January 22, 2004. The information in the checklist, the geotechnical analysis, supplemental information collected in the project file, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during excavation and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) blockage of streets by construction vehicles/activities; 6) conflict with normal pedestrian movement adjacent to the site; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

Earth

The project includes earth movement of approximately 5,500 cubic yards of grading and an additional 1,400 cubic yards of fill. To evaluate the extent of the proposal which is located in a Steep Slope regulated under SMC 25.09, the project included an analysis of the impacts of the proposal under the referenced January 22, 2004 geotechnical report by Shannon and Wilson, in compliance with Director's Rule 3-93, "Requirements for Permitting Construction in Potential Slide Areas". The report details the site conditions, and states conclusions and recommendations.

The Master Use Permit review for this project included a joint review for building code and ECA compliance. As disclosed in the report, construction in substantial compliance with the geotechnical consultant's conclusions and recommendations will adequately mitigate expected earth impacts, along with compliance under the City's ECA Ordinance (SMC 25.09), the City's Stormwater Ordinance and relevant Building Codes. Accordingly, no mitigation in this regard pursuant to SEPA is warranted.

Construction Noise

Due to the proximity of the site to adjacent single family residences, additional review and mitigation is required to ensure construction noise impacts are mitigated. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 5:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the site; 3) increased traffic and parking demand due to additional employees and visitors with the office uses; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of this type of development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes or conditions (increased ambient noise; increased demand on public services and utilities; increased airborne emissions; increased light and glare) are not sufficiently adverse to warrant further mitigation by condition.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITIONS - SEPA

1. All construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 5:00 p.m.:
 - a. Surveying and layout;
 - b. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

Signature: (signature on file) Date: July 19, 2004
Michael Jenkins, Senior Land Use Planner
Department of Planning and Development
Land Use Services

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